
DIVISION 6. DEVELOPMENT INCENTIVES

SECTIONS:

3.6.1 RESIDENTIAL CLUSTER PROJECT (RCP)

3.6.1 RESIDENTIAL CLUSTER PROJECT (RCP)

3.6.1.1 Purpose. The purpose of the Residential Cluster Project (RCP) is to provide greater flexibility and creativity in the design of clustered residential development by:

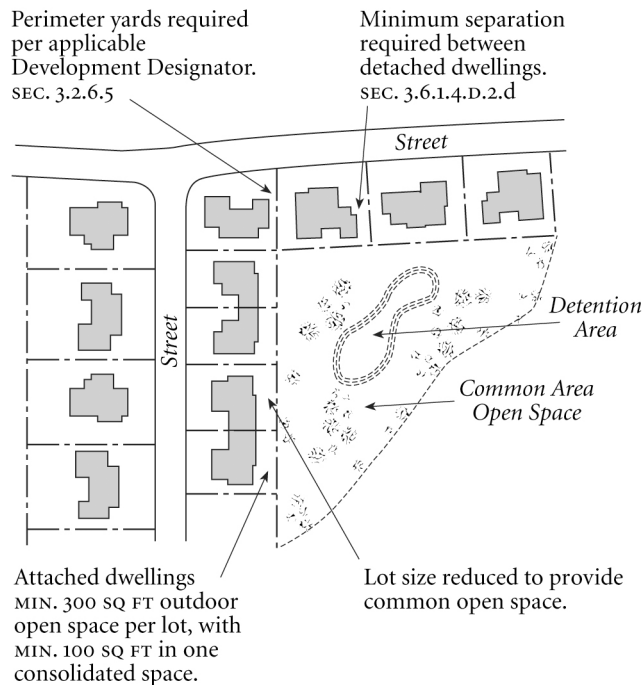
- A. Providing incentives to achieve community goals, such as historic and archaeological preservation, preservation of natural vegetation, barrier-free housing, development within low-income areas, and in-fill housing projects;
- B. Maintaining consistency with the goals and objectives of the *General Plan*;
- C. Providing incentives for design and development of low- and moderately-priced housing;
- D. Consolidating open space;
- E. Efficiently using land and public facilities by means of a more economical arrangement of buildings, circulation systems, land uses, and utilities;
- F. Preserving to the greatest extent possible existing landscape features and amenities, such as significant topography, protected peaks and ridges, natural vegetation, and floodplains, and integrating such features with structures and other improvements;
- G. Providing usable and suitably located recreation facilities and other public and common facilities;
- H. Coordinating architectural styles, building forms, and building relationships within the development and with surrounding land development; and
- I. Encouraging high-quality development within the city.

3.6.1.2 Applicability. The provisions of this Section apply to residential development only. The provisions are applied as follows.

- A. *Without Density Increase.* Cluster development without a density increase, as provided in Sec. 3.6.1.3.A, may be applied to single-family detached residential development in the SR, SH, RX-1, and RX-2 zones; to single-family residential development, attached or detached, in the R-1, MH-1, and MH-2 zones; and to single-family and multifamily residential development in the R-2, R-3, O-3, C-1, and C-2 zones.
- B. *With Density Increase.* Cluster development with a density increase, as provided in Sec. 3.6.1.3.B, may be applied to single-family residential development, attached or detached, in the R-1, MH-1, MH-2, and R-2 zones or to multifamily residential development in the R-2 zone.

3.6.1.3 Cluster Alternatives. Residential development may be clustered using the RCP provisions under one (1) of the two (2) following alternatives as provided by the assigned RCP designator.

- A. *Cluster Development Without Density Increase.* A residential project which does not increase the density permitted by the underlying zone may utilize the cluster provisions, subject to the development criteria listed for Development Alternative A in Sec. 3.2.3.1.F for the RCP designator assigned to the zoning of the property and Development Criteria, Sec. 3.6.1.4. (See Illustration 3.6.1.3.A.)



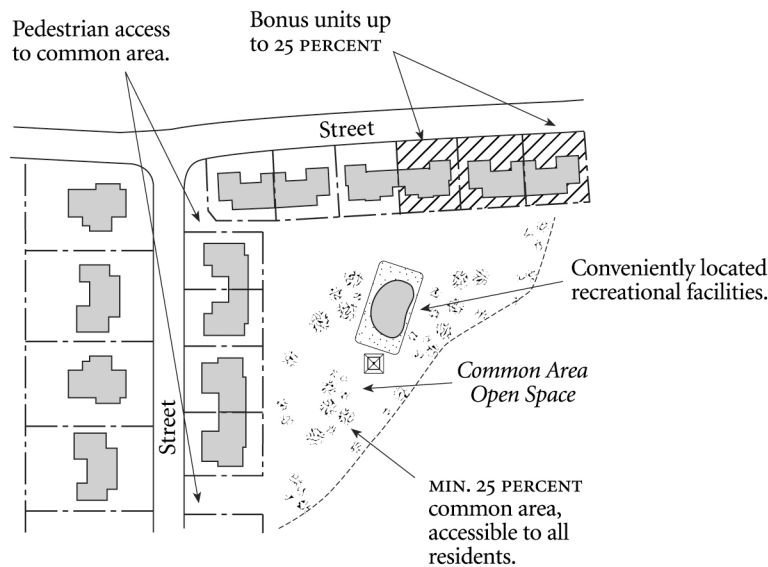
3.6.1.3.A Cluster Development Without Density Increase

- B. *Cluster Development With Density Increase.* Residential projects that meet at least one (1) of the following development categories and the provisions of Sec. 3.6.1.4, Development Criteria, may increase the density permitted by the underlying zone, up to the amount indicated for Development Alternative B in Sec. 3.2.3.1.F for the RCP designator assigned to the zoning of the property. The development categories as listed below cannot be varied unless specifically stated otherwise. (See Illustration 3.6.1.3.B.)
1. The project is located within the enrollment boundaries of an elementary school with low enrollment, and fifty (50) percent or more of the project's total number of units contain two (2) or more bedrooms. Of the fifty (50) percent, one-third (1/3) must contain three (3) or more bedrooms.
 2. The project is located within the boundaries of the low-income area, as defined in Sec. 6.2.12, and thirty (30) percent or more of the project's total number of units contain two (2) or more bedrooms. Of the thirty (30) percent, one-third (1/3) must contain three (3) or more bedrooms.

3. The project contains more units adapted to house the physically disabled than are required by the Tucson Code, as follows: In addition to any required by Code, five (5) percent of the total number of units are to be designed and constructed for the physically disabled. In any instance, at least one (1) unit shall be provided. At least one (1) of the required off-street parking spaces for each of these units is to be constructed to the standards for the physically disabled and be in close proximity to the unit.
4. The project is developed only for the elderly and/or physically disabled. A covenant is required to provide housing only to the elderly and/or physically disabled.
5. The project consists of twenty (20) or more units and contains a mix of single-family and multifamily housing, provided that not more than two-thirds (2/3) of the mix are only one (1) type. Single-family includes both attached and detached units.
6. The project is designed and located to comply with all the energy efficiency requirements listed in Development Standard 2-10.0. Modifications of the energy efficiency requirements listed in the Development Standard may be approved pursuant to Development Standards procedures.
7. The project includes preservation of a historic site, structure, or landmark or leads to the preservation or scientific study and archaeological documentation of prehistoric or historic buildings or sites, in accordance with the criteria listed in Development Standard 2-10.0.
8. The project preserves in a natural state at least fifteen (15) percent more natural features than are required by other sections of the Tucson Code. These natural features include, but are not limited to, vegetation, washes, and topography. The minimum area to be preserved is one-half (1/2) acre for a project site of less than four (4) acres and one (1) acre for a project site of four (4) acres or greater in size.

A study is required to determine the extent of the features to be preserved and to outline the methods of maintenance. This is accomplished by a thorough walk-through survey of the site prior to any disturbance. The results of the survey shall be included with the RCP subdivision plat submittal.

9. The project is located within nine hundred (900) feet of a designated arterial, and the project density does not conflict with any applicable area or neighborhood plan. The density increase may be calculated only for that area of the project within nine hundred (900) feet of the arterial. Beyond the nine hundred (900) feet, density may be increased only by meeting the requirements of a separate development category.



3.6.1.3.B Cluster Development With Density Increase

3.6.1.4 Development Criteria. RCPs shall comply with the following development criteria.

A. *General Criteria.*

1. The RCP must be in conformance with the design policies and criteria of the *General Plan* and any of its components, including any applicable adopted area and neighborhood plans. (Ord. No. 9517, §3, 2/12/01)
2. When developed with a density increase, the RCP must provide for conveniently located commonly-owned recreation facilities, designed for, and usable by, both adults and children residing within the project. Twenty-five (25) percent of the site area that is not part of the site coverage is to be commonly owned or set aside as accessible to all residents of the development. (Ord. No. 9374, §1, 4/10/00)
3. When the RCP site area is less than four (4) acres, architectural design of the RCP must be compatible with, or complementary to, the design characteristics of those existing single-family detached or attached structures along the same block frontage and the block frontage across the street. If the RCP is proposed on a corner lot, then its design will also be compatible with, or complementary to, the design characteristics of existing residential development on the opposite lot corners. Architectural compatibility will be in compliance with design criteria in applicable adopted neighborhood or area plans.
4. All areas of an RCP, except those areas that fit under the definition of site coverage or are designated for the exclusive use of individual residents, shall be landscaped with water-conserving, drought-tolerant vegetation. (For specific plant material, see Development Standard 2-16.0.) Mini-oasis concepts are acceptable, provided the oasis area landscape requirements of Sec. 3.7.0, Landscaping and Screening Regulations, are satisfied. (Ord. No. 9967, §3, 7/1/04)

5. Barrier-free accessibility for the elderly and physically disabled shall be provided to twenty-five (25) percent of the ground floor units and all common use areas, including parking areas, within the project.
 6. Where a multifamily project abuts existing single-family residential development along the RCP perimeter, the multifamily RCP must provide a buffer using one (1) of the following: A six (6) foot high wall, a twenty (20) foot wide landscaping strip, a structure height transition strip fifty (50) feet wide, or any combination of these elements.
 7. Bus turn-out lanes and bus waiting shelters must be provided if requested by the City.
 8. The RCP shall be designed so that any potentially adverse impacts from parking areas, service areas, entrances, exits, yards, balconies, courts, landscaping, lighting, or noise-producing activities are mitigated within the RCP and for any adjoining residential neighborhood.
 9. All mechanical equipment shall be screened from adjacent streets exterior to the project and from adjacent existing residential development. Screening shall be architecturally integrated with the overall design of the RCP.
 10. In every RCP, there shall be no further division of land or resubdivision without the developer or successor in interest furnishing written notice to all property owners of record within the boundaries of the RCP. In no event shall further division of land occur without the written approval of the Mayor and Council.
 11. The site area of an RCP is for the exclusive use of the residents of the RCP and their guests; however, the ownership or use of a floodway may be transferred to a public agency for public use.
- B. *Site Coverage.* For the purposes of the RCP, site coverage shall be applied in accordance with Lot Coverage requirements in Sec. 3.2.9 with the following exception.
- The following area is excepted from vehicle area coverage: Within vehicular areas, any landscaped area greater than twenty-five (25) square feet is excluded, provided:
1. The landscaped area calculations do not include those areas less than three (3) feet in width; and
 2. The landscaped area is curbed to protect it from vehicular traffic.
- C. *Landscaping and Screening Requirements.* RCP landscaping and screening requirements shall be in accordance with Sec. 3.7.0, Landscaping and Screening Regulations. RCP mobile home projects shall be considered mobile home parks for the purposes of applying landscaping and screening requirements.
- D. *Perimeter Yards.* Separation criteria based on the need for open space, solar access, privacy, and minimizing negative visual impacts between developments are as follows.
1. Along site boundaries, the perimeter yard requirements, as assigned in [3.2.3.1.F](#) for the applicable Development Designator, are to be applied.
 2. Within site boundaries, the perimeter yard requirements are as follows.
 - a. Along street lot lines, street perimeter yard requirements, in accordance with Sec. [3.2.6.5](#), will be applied.

- b. Along parking area access lanes (PAALs), setbacks are as required in Development Standard 3-01.0.
- c. Along interior lot lines for attached dwellings, setbacks are not required provided traffic sight visibility, as required in Development Standard 3-01.0, is not obstructed and at least three hundred (300) square feet of outdoor space is located on that lot, and:
 - 1. Of the three hundred (300) square feet, a minimum of one hundred (100) square feet is provided as one (1) consolidated outdoor space; and
 - 2. The one hundred (100) square foot space is a minimum of ten (10) feet in width in any direction; and
 - 3. Such consolidated space is designed as an extension of the indoor space with access from that space; and
 - 4. The consolidated space is not obstructed by any overhang less than seven (7) feet above design grade; and
 - 5. The consolidated space is not within the sight visibility area as provided in Development Standard 3-01.0.
- d. Along interior lot lines for detached dwellings, the minimum separation between a dwelling unit and an interior lot line is:
 - 1. Ten (10) feet in the SR zone; or
 - 2. Six (6) feet in the SH, RX-1, and RX-2 zones; or
 - 3. Three (3) feet in the R-1, MH-1, MH-2, R-2, R-3, O-3, C-1, and C-2 zones or zero (0) feet on one (1) side, provided the width of the opposite yard is a minimum of six (6) feet. The zero (0) setback is subject to the yard not being a street perimeter yard and the setback being in compliance with the Uniform Building Code (UBC). (Ord. No. 8582, §1, 9/25/95)
- E. *Street Perimeter Yard.* The street perimeter yard width shall be in accordance with Sec. [3.2.6.5](#), unless special zoning requirements dictate a greater distance or different point of measurement.
- F. *Parking.* In addition to applicable regulations in Sec. [3.3.0](#), Motor Vehicle and Bicycle Parking Requirements, of the *Land Use Code (LUC)*, the following standards shall be observed.
 - 1. For an RCP which does not utilize a density increase, required parking spaces must meet the following criteria.
 - a. Parking spaces may be located within the individual lots, in common parking areas, on-street within the RCP site, or on-street outside the RCP site provided the on-street parking complies with the requirements of Sec. [3.3.7.1.E](#). Streets within or outside the RCP site, if proposed for on-street parking, must be designed with parking lanes to accommodate the proposed parking. For on-street, off-site parking, only those parking spaces located on the portion and side of the street abutting the RCP site may be used to count toward the RCP requirements. (Ord. No. 9364, §1, 3/27/00)

- b. Parking spaces required for visitors will be uniformly distributed throughout the project and may be located in parking areas or on streets designed with designated parking lanes. Additional parking spaces located on individual lots will not be considered to satisfy this requirement, as these spaces are located on private property and cannot be used by the guests of other residents.
 - 2. For an RCP which utilizes a density increase, required parking spaces and maneuvering areas must meet the following criteria.
 - a. Parking spaces required for each dwelling unit may be located on individual lots, in parking areas, or on streets interior to the RCP which are designed with designated parking lanes.
 - b. Parking spaces required for visitors will be uniformly distributed throughout the project and may be located in parking areas or on streets designed with designated parking lanes. Additional parking spaces located on individual lots will not be considered to satisfy this requirement, as these spaces are located on private property and cannot be used by the guests of other residents.
 - 3. If common parking areas are provided within the site area, they must meet the following requirements.
 - a. All parking areas shall comply with the vehicular use area requirements of Sec. [3.3.0](#).
 - b. No more than sixty (60) parking spaces shall be located in any single outdoor parking area. Such parking areas will be separated by a minimum of thirty (30) feet, utilizing buildings and landscaping or just landscaping. The same PAAL may provide access to two (2) or more parking areas.
- G. *Circulation.* The right-of-way and/or pavement widths for internal ways, common parking areas, streets, roads, alleys, or other means of vehicular circulation and for surface drainage serving the RCP shall be in conformance with Development Standard 3-01.0.
 - 1. The RCP shall be designed so as to discourage through traffic on internal streets or into adjoining neighborhoods.
 - 2. Every RCP shall have a pedestrian circulation system connecting all elements of the RCP to all units. The system shall be physically separated from the vehicular circulation system, except where the system intersects a PAAL or street.
- H. *Project Amenities and Site Improvements.* Project amenities include, but are not limited to, open space, natural areas, common areas, and recreation facilities. Site improvements include, but are not limited to, streets, curbs, sidewalks, parking areas, and utilities. If an RCP is unphased, all amenities and improvements must be completed upon construction of thirty (30) percent of the total number of residential units within the RCP. If an RCP is phased, construction of amenities and improvements must comply with Sec. 3.6.1.6.C.

3.6.1.5 Management of Common Properties.

- A. *Management Responsibilities.* When a common area is established in an RCP, a homeowners' association or management organization must be established by the developer to be responsible for the ownership, permanent care, and maintenance of commonly owned areas.

An instrument shall be submitted with the RCP for review and approval by the City in such form for recordation by the Pima County Recorder. The instrument will:

1. Provide for a homeowners' association or management organization for administrative and management purposes;
 2. Be in the form of a deed restriction or covenant enforceable by a homeowners' association, a management organization, or the property owners residing on the site;
 3. Run with the land;
 4. Provide reasonable standards for maintenance of facilities in the common area;
 5. Provide for assessments and payment as necessary to cover costs of maintenance, management, and improvements; and
 6. Inform all owners whether additional units in the RCP are allowed over the number approved by the recorded plat and how much, if any, open space or recreation space can be deleted to accommodate any future building floor area (i.e., room additions to structures) and still comply with the requirements of the RCP.
- B. *Management and Participation.* The provisions of the homeowners' association or management organization shall include, but not be limited to, the following.
1. The association or organization is established prior to the sale of any dwelling unit.
 2. The charter of the association or organization is renewed in accordance with state laws as long as the property use remains.
 3. Membership is mandatory for each home buyer and successive buyer.
 4. On commonly owned property, the association or other organization is responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 5. Owners pay their pro rata share of expenses for maintaining the common properties.
 6. The association or other organization is able to adjust the assessment to meet changing needs.
- C. *Covenants.* When an RCP does not establish a common area but sets aside site area to be used by the residents of the RCP per Sec. 3.6.1.4.A.2, a covenant must be provided establishing the right of all residents within the RCP to access and use the area set aside. Said covenant must run with the land.
- 3.6.1.6 **RCP Phasing Requirements.** An RCP may be phased for construction and development; however, the RCP shall be considered a single project for purposes of allowable densities, open space, common areas, hydrology, and grading, provided that all of the following conditions are met.
- A. The entire RCP must be platted as one (1) project, as setbacks and other RCP requirements are based on the entire RCP site. If the RCP is platted by phase, then each phase must comply with requirements as a separate project, including the following.
1. Homeowners' association documentation must allow for the annexation of future phases if designed to work as one (1) project.

2. If access to future phases is designed to be through the phase being platted, right-of-way easements or other acceptable legal instruments shall be provided on/with the plats and homeowners' association documents.
- B. If the Residential Cluster Project (RCP) contains common areas, the entire RCP shall be subject to an overall set of comprehensive conditions, covenants, and restrictions which establish the character of the development and create an overall homeowners' association. This association must meet all criteria listed in Sec. 3.6.1.5. If the documentation for the overall homeowners' association does not indicate responsibility for each phase within the RCP, then the excluded phase shall have its own homeowners' association which will be responsible for owning and maintaining any common area, open space, natural area, or recreation area within the phase.
- C. The developer must submit a document to show how the project amenities and site improvements will be developed in proportion to the number of residential units developed. The site improvements must be designed to function independently for each phase and as each new phase is added.

Such project amenities and site improvements shall be located adjacent to or within developed or developing phases and on property that is abutting or physically connected to the residential development in order to provide access between the amenity and the development it serves.

- D. At no time during the construction of the Residential Cluster Project (RCP) shall the number of constructed residential units per acre of developed land exceed the overall density for the land area in each phase and as approved by the recorded plat.

3.6.1.7 Plat Required. A Residential Cluster Project (RCP) shall be platted in conformance with Article IV of this Chapter and Sec. 23A-35, in addition to Development Standard 2-10.0. (Ord. No. 9392, § 1, 5/22/00; Ord. No. 9967, § 3, 7/1/04)

